

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Stephen Paul Zadesky et al.

Serial No.: 10/643,256

Filing Date: August 18, 2003

For: MOVABLE TOUCH PAD WITH  
ADDED FUNCTIONALITY

Examiner: Jimmy H. Nguyen

Group Art Unit: 2629

Confirmation No.: 4668

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

Applicants submit herewith an Information Disclosure Statement identifying art of which applicant became aware as a result of the following Japanese patent proceedings:

(A) Civil Division 47th-B of Tokyo District Court

Complaint: Year 2007 (wa) No. 2525 Case of Demand for Declaratory Judgment of  
Non-indebtedness

Counterclaim: Year 2007 (wa) No. 6312 Case of Damages Counterclaim Plaintiff  
(Defendant in Counterclaim): Apple Japan, Inc.

Defendant (Plaintiff in Counterclaim): Shigeru Saito Architecture Research Institute  
Plaintiff (Defendant in Counterclaim) Intervenor: Apple Japan Holdings, Inc.

(B) Case No. 1000-1280

Details of Rights pertaining to Application for Import Suspension

- (1) Petitioner Shigeru Saito Architecture Research Institute
- (2) Name of product considered to be infringing Small, portable music player
- (3) Details of intellectual property

Patent rights pertaining to a contact operation-type input device and its electronic components Patent Number 3852854 [Claim 3]

The above-referenced Japanese patent proceedings involve alleged infringement by Apple Japan, Inc. of Japanese Patent JP 3852854. The above-referenced Japanese patent proceedings do not involve any patent corresponding to applicants subject U.S. patent application, for which allowance is now currently being sought.

This Information Disclosure Statement is submitted after receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance. A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other


US Application No. 10/643,256

Atty. Docket No. 106842000600

fees due in connection with the filing of this document to **Deposit Account No. 03-1952**  
referencing (106842000600).

Dated: July 20, 2007

Respectfully submitted,

By 

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
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				First Named Inventor	Stephen Paul Zadesky
				Art Unit	2629
				Examiner Name	Not yet assigned
Sheet	1	of	6	Attorney Docket Number	106842000600

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	1,061,578	05/13/1913	Wischhusen et al.	
	2.	2,903,229	02/24/1956	Landge	
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		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
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\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	122.	"Atari VCS/2600 Peripherals", <a href="http://www.classicgaming.com">www.classicgaming.com</a> , downloaded February 28, 2007, pp. 1-15.	
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	125.	"APS show guide to exhibitors", Physics Today, 49(3) (March 1996).	
	126.	"Design News literature plus", Design News, 51(24) (December 18, 1995).	
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	134.	Bartimo, Jim, "The Portables: Traveling Quickly", Computerworld (November 14, 1983).	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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